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6-16-08	10:47am	From-Baum Sigman		3122380241	1-631	F. 004/004	

06-16-08

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

SHEET METAL WORKERS WELFARE FUND, et al., vs. AMERICAN CHUTE SYST an Illinois corporation,	Plaintiffs,	5)	CIVIL ACTION NO. 08 C 2814 JUDGE SAMUEL DER-YEGHIAYAN
		<u>AFFIDAVIT</u>	
STATE OF ILLINOIS COUNTY OF DUPAGE)) \$\$. \		
COUNTY OF DUPAGE	,		

SCOTT P. WILLE, being first duly sworn upon his oath, deposes and says:

- That he is Administrator and/or Authorized Agent of the SHEET METAL 1. WORKERS LOCAL 265 WELFARE FUND, SHEET METAL WORKERS LOCAL 265 PENSION FUND, SHEET METAL WORKERS LOCAL 265 SAVINGS FUND, SHEET METAL WORKERS LOCAL 265 EDUCATIONAL FUND, SHEET METAL WORKERS LOCAL 265 INDUSTRY FUND and SHEET METAL WORKERS LOCAL 265 SUPPLEMENTAL RETIREMENT PLAN.
- That he has read the Complaint filed in this cause, and knows of his own personal 2. knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

That he is charged with keeping and maintaining records of contributions received 3. by the Plaintiff Funds, maintains individual records on each person, firm and corporation required to make contributions to said Plaintiff Funds, receives and records contribution reports made by such persons, firms or corporations, and has under his supervision and direction all books, records, documents and papers relating to such Plaintiff Funds.

- That he has examined the account of Defendant in the above-entitled cause, and states 4. that said Defendant:
 - is required to make monthly contribution reports under the terms of the (a) aforesaid collective bargaining agreement;
 - has failed to submit all monthly contribution reports due to date; (b)
 - has submitted monthly contribution reports for the months of January 2008 (c) through April 2008, but has failed to submit the contributions which it acknowledges therein to be due as set forth below:

	Contributions
Welfare Fund	\$16,229.74
Pension Fund	\$ 2,145.28
Supplemental Retirement	\$ 4,668.33
Educational Fund	\$ 245.76
Industry Fund	\$ 80.64
Savings Fund	\$ 307.20
Dues	\$ 15,36

That pursuant to the Trust Agreements he has assessed a liquidated damages 5. surcharge against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the months of January 2008 through April 2008, in amounts set forth below:

06-16-08 10:47am From-Baum Sigman 9122360241 T-837 P.004/004 F-832

	Liquidated Damages
Welfare Fund Pension Fund Supplemental Retirement Educational Fund Industry Fund Savings Fund Dues	\$1,622.97 \$ 214.53 \$ 466.83 \$ 24.58 \$ 8.06 \$ 30.72

- 6. That he is duly authorized by Plaintiffs in this behalf, has personal knowledge of the matters set forth above and if called as a witness in this cause is competent to testify thereto.
- 7. That he makes this Affidavit in support of the application of Plaintiffs for entry of default and judgment and requests this Court to consider the same as proof in support of the allegations contained in the Complaint of the Plaintiffs and such other facts herein set forth.

FURTHER AFFIANT SAYETH NOT.

SUBSCRIBED AND SWORN TO before me this /6 12 day of June 2008.

NOTARY PUBLIC

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"OFFICIAL SEAL"
Susan L. Schwieters
Notary Public, State of Minols
My Commission Expires 7/25/2005

2004

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Scott P. Wille) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 19th day of June 2008:

Mr. Frank E. Stephens, Registered Agent/President American Chute Systems, Inc. 603 E. Washington Street Joliet, IL 60433

/s/ Beverly P. Alfon

Beverly P. Alfon Attorney for Plaintiffs BAUM SIGMAN AUERBACH & NEUMAN, LTD. 200 West Adams Street, Suite 2200 Chicago, IL 60606-5231

Bar No.: 6274459

Telephone: (312) 236-4316 Facsimile: (312) 236-0241

E-Mail: balfon@baumsigman.com

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YOTAL HOURS REPO	ORTED	L	1-1	<u> </u>	·		8,910.00		
467.5	487.5	₩ 467.5	467.5	467.5	467.5		467.5	467,5	467.5
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7.3	3,28		-						
6.64		0.75	L		İ				
AMOUNT DUE (1)X(2	)		_		<del></del>			<u> </u>	
\$3,412.76	\$1,986,88	\$0.00	\$0.00	\$0,00	\$8.00		\$0.00	\$0.00	\$0.00
ADJUSTMENT PLUS	OR MINUS - P	EASE ATTACH E	XPLANATION				.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
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NET ANOUNT DUE									
\$3,412.75	\$1,986.88	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0,00	\$0.00
		NAT. BENEF	IT FUNDS			\$9,578.88	建物性的	GROSS WAGES (COL	K)
		LOCAL FUN	D8	TOTALS	\$5,399.63	\$5,399.63		TOTAL BENEFIT CON	-
REPARED BY /	Lori E Wel			Controller		\$14,978.50			
GATUREI .		DATE:				414,370.30		OROBS EARNINGS (	
771171	() (		PHONE:	E-MAIL:	<b>斯·松松林</b>			BASMI CONTRIBUTIO	N RATE .03
# JJ L L / IL /	. 1/	3/31/2008		iori@americanetjutoi			13 340 EP 50, 1529 CCM	SASMI CONTRIBUTIO	

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SNIW LOCAL 265
FRINGE BENEFIT FUNDS

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			300 or Fax: (703) 6						
TO:		CHUTE SYSTE				MONTH	YEAR	LOCAL UNION NO	t,
		Hington Stre	ET	LOCA 266		MARCH	2008	265	
	JOLIET, IL	69433				NBF EMPLOYER	# 012609		
			FED ID# 38434	5893		AREA	DO	INDUSTRY	61
D: GUILDING TRADI	es	1	CLASS: ALL C	LASSES		NPF PLAN	A	CLASS	ALL
CHECK HERE IF	NO HOURS T	O REPORT (YOU	WILL RECEIVE A	REPORT NEXT MON	тн	CONTRACT	2650401		
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(B)	401(K)	HOME	(G)	(H)	(0)	(3)	TAXABLE GROSS		WAGE
STIFIRST NAME	RATE	LOCAL	REGULAR	OT/21-1/2	OTM	CLASS	WAGES	CONTRIBUTIONS	RATE
NATL	m	LOCAL	AN.	HEALTH	EOUCA-		IN-	SAVINGS	IA IA
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FUND	SM SCH	FUND	FUND	FARE	FUND		FUND	ZING	ASSMNT
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HENZ	TJ	265	128		l		4,928.00		
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TOTALS			(G)	(H)	(G)		(IQ	(4)	
•		ł	128	**	(4)		4.928.00	——————————————————————————————————————	
OTAL HOURS REPO	RTED	L	150				7,840.00		·
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ONTRIBUTION RATE		150		· · · · · · · · · · · · · · · · · · ·	120		128	725	128
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1	J. 10	~.	7.43	F30	0.64		0.21	9,84	0.03
MOUNT DUE (1)X(2)	······································	L	<u> </u>	L				l	
\$55,04 (1)X(2)	£44 D4	l essess	1	1 man 4 a 1					
DJUSTMENT PLUS	\$23.04	\$536,32	\$544.00	\$934,40	\$61.92		\$28,88	\$107.52	\$3,84
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ET AMOUNT DUE	enn e.i								
\$55.04	\$23,04	5 536.32	\$844,00	\$934.40	\$81.92		\$26.88	\$107,52	\$5.84
		NAT. BENEF		TOTAL S	\$217.23	\$4,928.00	THE PROPERTY OF	GROSS WACES (CO	K)
		LOCAL FUN	DS	TOTALS	\$2,312.96	\$2,312.96	化部形式机械性系统	TOTAL SENEFIT COM	•
EPARED BY	tori E Wel						CENTRE PLEASE HER		
EFORED DI	vv() = MB	1		Controller		\$7,240.96	MELLERY ALL	gross earninge ((+B
. /		PA & WT.	Children 1975	T BIAU.	N 18 18 18 18 18 18 18 18	\$0.03	"我们的" 医生态法 "我们		
ATE IN	加人	DATE: 3/31/2008	PHONE:	E-MAIL;	痛性 提高技术 增强	20.035	利用経体に対した。	Sasmi Contributio	N KATE .03

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APR 10 2008 5, PH LOCAL 265 FRINGE BENEFIT FUNDS ı

SHEET METAL WORKERS' Nati Pen, Nati Hith, 171 UNIFORM FRINGE BENEFIT REMITTANCE REPORT
ANY QUESTIONS PROSSE CET: (703) 729-7000 or Fax: (703) 663-0632
AMERICAN CHUTE SYSTEMS, INC. Sasmi, Sasmi-II, NEMI, SMW Supp Svgs. Office Copy TO: MONTH YEAR LOCAL UNION NO. 603 E WASHINGTON STREET APRIL 2008 265 JOLIET, IL 80432 NBF EMPLOYER ≠ 012809 FED ID# 364345893 AREA DO INDUSTRY 01 ND: BUILDING TRADES CLASS: ALL CLASSES npf Plan A CLASS ALL CHECK HERE IF NO HOURS TO REPORT (YOU WILL RECEIVE A REPORT NEXT MONTH 2650401 CONTRACT CHECK HERE IF NO HOURS TO REPORT (YOU WILL NOT RECEIVE A REPORT NEXT MONTH PAGE NO. OUT OF BUSINESS NO WORK EFF DATE SOC SEC NO.(A) (F) HOME (K) (B) 401(K) (3) ([1] TAXABLE GROSS (J) CLASS HAW PEN MISC WAGE AST/FIRST NAME OT/01-1/2 HEALTH RATE REGULAR OT/OZ WAGES CONTRIBUTIONS NATL IA PENS NEM PENS NUITY TION DUSTRY ORGAN. WORK SM SCH FUND FUND FARE FUND FUND **ASSMNT** IZING RALLS, JR. 255 FL. 214 3,959.00 STOKKE WE 265 128 3,840.00 MORALES 265 192,5 2,839,38 1 RECEIVED MAY 05 2008 SIVIV LOCAL 265 FRINGE BENEFIT FUILDS TOTALS 534.5 10,638.38 TOTAL HOURS REPORTED 534.5 534,E 594.5 534.5 534.5 534,5 534.5 534.5 534.5 2.CONTRIBUTION RATE PER HOUR 8.64 2.50 3.AMOUNT DUE (1)X(2) 31,336.25 \$0.00 \$0.00 \$0.00 \$0.00 ADJUSTMENT PLUS OR MINUS - PLEASE ATTACH EXPLANATION 20.00 \$0.00 5.NET AMOUNT DUE \$3,549.68 \$1,336.25 90,92 \$0.00 \$0.00 \$0.00 \$0.00 \$6.00 NAT. BENEFIT FUNDS \$10,638.38 CIROSS WAGES (COL K) LOCAL FUNDS TOTAL \$ \$4,885.33 \$4,885.33 TOTAL BENEFIT CONT (L) PREPARED BY Lon E Welch TITLE: Controller \$15,523.71 CIRDES EARNINGS (K+1) DATE PHONE: E-MAIL: BASMI CONTRIBUTION RATE .03 4/30/2008 (#15)-723-7632 tort@americanchumayateme.com SASAN CONTRIBUTION (LNEXLNA)

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LI .		EET METAL WO	RKERS' MITTANCE REPOI	eT.	***************************************	Radad Caract	Nall Pen, Nall Hill	LM	·····
Arty Clus	ssions? Piens	call: (703) 730-1	7000 or Fax: (703) 6	31 883-0932		Jasmi, Sasmili	, NEMI, SMW SUPP	ovgs, Office Copy	
10:		CHUTE SYST				нтиом	YEAR	LOCAL UNION NO	
		HINGTON STR		LOC# 256		APRIL	2808	265	•
	JOLET, IL					NEF EMPLOYER		200	
			FED ID# 984341	58 83		AREA	DO	INDUSTRY	01
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(B)	401(K)	HOME	(G)	(H)	(6)	4 /%	TAXABLE GROSS	(L) H&W PEN MISC	
TIFIRST NAME	RATE	LOCAL	REGULAR	OT/201-1/2	OT/892	(J) CLASS	WAGES	CONTRIBUTIONS	WAGE RATE
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TAL HOURS REPO		g brien							
	128	128	128	128	126		128	128	128
NTRIBUTION RATE 0.45									
تجين ا	0.19	4.18	4.25	7.50	0,64		0.21	03M O.	80 0.03
OUNT DUE (1)X(2)		<u> </u>	1				1		
\$55.04	\$23.04	l steene	1						
JUSTMENT PLUS	DE MINIO P	\$536.32	\$544,00	\$934.40	\$81,92		\$26,88	\$107.62	\$3.84
in in its in the second	JIN WINNUS * P	i	EAFLANAIION						
TAMOUNT DUE	····	1	1						
\$85.04	\$23.04		1 mr.c.o. 1						
******* [\$C318	\$536.32	\$544.00	\$934,40	\$81.92		\$26,88	\$107.52	\$3.84
_		NAT. BENE		TOTAL \$	\$217.23	\$4,928.00	HEALTH WILLIAM	ROSS WAGES (CDL	
	\	LOCAL FUN	DS	TOTAL \$	\$2,312.96	\$2,312.96	\$20G.100G.100G.100G.100G.100G.100G.100G.1		,
PARED BY	Corl E Wel			Controller			HACK-CAMER INSPIRED AT A PART	TOTAL BENEFIT CON	
ATURE)		•		· ·		\$7,240.96	President de la Company	eross Earnings ox	-i)
EASILE COLUMN	A = A	DATE:	PHONE:	E-MAIL:		\$0.03		ASMI CONTRIBUTION	IPATE M
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SNIW LOCAL 265 FRINGE BENEFIT FUNDS

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